

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

SIOUX STEEL COMPANY, a South Dakota corporation,	)	CIV. 15-4136
Plaintiff,	)	<b>AFFIDAVIT OF G. VERNE GOODSELL IN SUPPORT OF PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION</b>
vs.	)	<b>FOR SUMMARY JUDGMENT and RESPONSE IN OPPOSITION TO DEFENDANT'S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT</b>
KC ENGINEERING, P.C., an Iowa corporation,	)	
Defendant.	)	
State of South Dakota	)	
County of Pennington	)	) ss.

G. Verne Goodsell, being first duly sworn upon his oath deposes and states as follows:

1. I am one of the attorneys for the named Plaintiff in the above-titled action.
2. Attached hereto as "Exhibit A" is a true and correct copy of the Expert Report of John W. Carson, Ph.D., November 21, 2016 ("Carson Report"), pg. 4.
3. Attached hereto as "Exhibit B" is a true and correct copy of the Retention Letter, July 30, 2012.
4. Attached hereto as "Exhibit C" is a true and correct copy of the KC Report, August 28, 2012.
5. Attached hereto as "Exhibit D" is a true and correct copy of the KC Letter dated October 2, 2012.

6. Attached hereto as "Exhibit E" is a true and correct copy of select pages from the Deposition of Chad Kramer, Kramer Depo. 23, 62, 40:11-16; 46:16-19; 47; 48:7-12; 81; 82; 87; 88; and 89.
7. Attached hereto as "Exhibit F" is a true and correct copy of an excerpt from the Deposition of Derek Matthies, Matthies Depo. 62:8-18.
8. Attached hereto as "Exhibit G" is a true and correct copy of the ESI report dated May 11, 2015.
9. Attached hereto as "Exhibit H" is a true and correct copy of the Nohr Report dated March 3, 2015.
10. Attached hereto as "Exhibit I" are true and correct copies of select portions of the transcript cited in the brief of the Deposition of John W. Carson, Ph.D., dated October 27, 2017. Carson Depo. 24:1-3.
11. Attached hereto as "Exhibit J" is a true and correct copy of the Expert Report of Mark Duckett ("Duckett Report"), October 5, 2016.
12. Attached hereto as "Exhibit K" is a true and correct copy of select portions of the Deposition of Jason O'Mara, O'Mara Depo. 9:19-25; 9:22-25; 10:1-5; 26:10-17; 28; 29; 48:5-10; 49:4-20; 50, 54:4-12; 55; and 56.
13. Attached hereto as "Exhibit L" is a true and correct copy of select portions of the Deposition of Deposition of Mark Duckett, Duckett Depo. 60:1-17.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 6 day of April, 2018.

GOODSELL QUINN, LLP

BY: \_\_\_\_\_

G. Verne Goodsell

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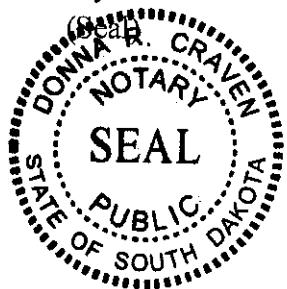
Subscribed and sworn to before me this 6 day of April, 2018.

*Donna R. Craven*

Notary Public, South Dakota

**My Commission Expires**

My Commission Expires: October 15, 2019



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 6<sup>th</sup> day of April, 2018, a true and correct copy of the *Affidavit of G. Verne Goodsell in Support of Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment and Response in Opposition to Defendant's Statement of Undisputed Material Facts in Support of Their Motion for Summary Judgment* was electronically filed and served through Odyssey File and Serve System to:

Michael F. Tobin  
[mftobin@boycelaw.com](mailto:mftobin@boycelaw.com)

Mitchell W. O'Hara  
[mwohara@boycelaw.com](mailto:mwohara@boycelaw.com)

/s/ G. Verne Goodsell -Electronically Filed  
G. Verne Goodsell